

**Department of State
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Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Tennessee Department of Human Services
Division:	Family Assistance
Contact Person:	Phyllis Simpson
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Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only **ONE Rule Number/RuleTitle per row)**

Chapter Number	Chapter Title
1240-01-04	Financial Eligibility Requirements
Rule Number	Rule Title
1240-01-04-.27	Standards of Need/Income

Chapter Number	Chapter Title
Rule Number	Rule Title

Chapter Number	Chapter Title
Rule Number	Rule Title

Chapter 1240-01-04
Financial Eligibility Requirements

Amendments

Rule 1240-01-04-.27 Standards of Need/Income, is amended by deleting Subparagraph (e) under Paragraph (1) in its entirety to insert new figures for Table V-A, so that, as amended, Paragraph (1), Subparagraph (e) and Tables V-A and Table V-B shall read as follows:

(e)

Table V-A
Food Stamp Standard Utility Allowance

Household Size	1	2	3	4	5	6	7	8	9	10 or more
Standard Utility Allowance	\$314	\$326	\$338	\$350	\$360	\$372	\$384	\$396	\$408	\$419

Table V-B
Food Stamp Basic Utility Allowance

Household Size	1	2	3	4	5	6	7	8	9	10 or More
Basic Utility Allowance	\$126	\$126	\$126	\$126	\$126	\$126	\$126	\$126	\$126	\$126

The Basic Utility Allowance is to be used for households who are not eligible for the Standard Utility Allowance because they do not incur a major heating or cooling expense, but who do incur utility costs such as electricity for lighting, gas for cooking, water/sewerage, or garbage pickup.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105 and 71-5-304; 7 U.S.C.A. § 2014 and 2017(a); 7 C.F.R. §§ 273.9 and 273.10; and PL 110-246, Title IV §§ 4102, 4103 and 4107, June 18, 2008 and PL 111-5, Division A, Title I § 101, February 17, 2009.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Human Services on 08/31/2009, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 06/22/09

Rulemaking Hearing(s) Conducted on: (add more dates). 08/17/09

Date: _____

Signature: _____

Name of Officer: Phyllis Simpson

Assistant General Counsel

Title of Officer: Tennessee Department of Human Services

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Date(s), Time(s) and Place(s) of Public Hearing(s): August 17, 2009, 1:30 p.m. Central Time, Department of Human Services, 2nd Floor Board Room, Citizens Plaza Building, 400 Deaderick Street, Nashville, Tennessee 37243.

A public hearing was held on the date, time and place noted above by the Department of Human Services to receive comments regarding amendments to the above referenced rules. No comments were received.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

The United States Department of Agriculture establishes standards of eligibility for participation by households in the Food Stamp Program pursuant to 7 U.S.C. § 2014. For purposes of Acts 2007, Chapter 464, the Regulatory Flexibility Act, the Department of Human Services certifies that these rulemaking hearing rules substantially codify existing federal law, such that, pursuant to Section 6 of the Regulatory Flexibility Act, the Regulatory Flexibility Act's provisions do not apply to these rules. In addition, these rulemaking hearing rules do not appear to affect small businesses as defined in the Act because these rules are related to the determination of eligibility and provision of benefits to individuals and households who file an application for them. These rules do not regulate or attempt to regulate businesses.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1240-01-04-.27(1)(e). This revision changes Paragraph (1), Subparagraph (e), Table V-A Standard Utility Allowance to reflect increase in the standard utility allowance for the various household sizes effective July 1, 2009.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §§ 4-5-201 et seq.; 71-1-105 and 71-5-304; 7 USC §§ 2014(e)(6) and 7 C.F.R. 273.9(d)(6).

7 C.F.R. § 273.9(d)(6)(iii)(B)

The State agency must review the standard annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar. This is based on the Consumer Price Index figures.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Rule 1240-01-04-.27. All current and potential recipients of the Food Stamp Program.

A rulemaking hearing was held on August 17, 2009. No comments urging adoption or rejection of this rule were received.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

No increase or decrease in state or local expenditures.

Since food stamp purchases are exempt from state and local sales tax, there would be no increase in state and local revenue.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Sandra Ramsey, Program Manager, Food Stamp Policy
Tennessee Department of Human Services
Citizens Plaza Bldg., 12th Floor
400 Deaderick Street
Nashville, TN 37243
(615) 313-5652

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Sandra Ramsey, Program Manager, Food Stamp Policy

Tennessee Department of Human Services
Citizens Plaza Bldg., 12th Floor
400 Deaderick Street
Nashville, TN 37243
(615) 313-5652

Richard Dobbs, Director, Food Stamp Policy
Tennessee Department of Human Services
Citizens Plaza Bldg., 12th Floor
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(615) 313-5652

Phyllis Simpson, Assistant General Counsel
Department of Human Services, Citizens Plaza, 10th Floor
400 Deaderick Street
Nashville, Tennessee 37243
(615) 313-2266

- (H)** Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A